

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

May 17, 1999

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 99B00027
)	
GEORGE'S PROCESSING, INC.)	
Respondent.)	
_____)	

FINAL DECISION AND ORDER
GRANTING MOTION TO DISMISS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b (INA), in which the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) is the complainant and George's Processing, Inc. is the respondent. OSC filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 10, 1999 in which it alleged that George's engaged in certain unfair immigration-related employment practices in connection with the application of Ms. Gabriela Puente for employment as a poultry packer in one of its processing plants. Settlement proceedings were undertaken, and on May 12, 1999, the complainant OSC filed a motion to dismiss its complaint, together with a signed settlement agreement which resolves all issues raised by the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:¹

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

- (1) Submit to the presiding Administrative Law Judge:

- (I) The proposed agreement containing consent findings; and
(ii) A proposed decision and order;

or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the

¹ Rules of Practice and Procedure for Administrative Hearings, 64 Fed. Reg. 7066 (1999)(to be codified at 28 C.F.R. Part 68) (hereinafter cited as 28 C.F.R. § 68).

action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.
28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and find that its terms are appropriate and that OSC's Motion to Dismiss should be, and it hereby is, granted and the action is dismissed.

SO ORDERED.

Dated and entered this 17th day of May, 1999.

Ellen K. Thomas
Administrative Law Judge

Appeal Information

In accordance with the provisions of 8 U.S.C. § 1324b(g)(1), this Order shall become final upon issuance and service upon the parties, unless, as provided for under the provisions of 8 U.S.C. § 1324b(i), any person aggrieved by such Order seeks timely review of that Order in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business, and does so no later than 60 days after the entry of such Order.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 1999, I have served copies of the foregoing Final Decision and Order Granting Motion to Dismiss on the following individuals at the addresses indicated:

John D. Trasviña, Esq.
Special Counsel
Office of Special Counsel for Immigration-Related
Unfair Employment Practices
P.O. Box 27728
Washington, D.C. 20038-7728
Attn: Juliet Stumpf, Esq.

Gabriela Puente
720 S. Holcomb St., Apt. F
Springdale, AR 72764-9999

George's Processing, Inc.
701 ½ Porter Street
Springdale, AR 72764-9999

Angela M. Doss, Esq.
Bassett Law Firm, Attorneys at Law
221 North College Ave., P.O. Box 3618
Fayetteville, AR 72702-3618

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041

Cynthia A. Castañeda
Paralegal Specialist assigned to
Ellen K. Thomas
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
(703) 305-1742